



10-25-04

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/748,128	12/24/2003	John C. Reed	66821-058

## CONFIRMATION NO. 1734

Cathryn Campbell  
 McDERMOTT, WILL & EMERY  
 7th Floor  
 4370 La Jolla Village Drive  
 San Diego, CA 92122

## FORMALITIES LETTER



\*OC000000012338427\*

Date Mailed: 04/13/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/27/2004 HDEMESS1 00000001 502624 10748128

## FILED UNDER 37 CFR 1.53(b)

01 FC:2001	395.00 DA
02 FC:2051	65.00 DA
03 FC:2201	528.00 DA
04 FC:2203	150.00 DA
05 FC:2202	585.00 DA

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1); See Figure(s) 39A.
  - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 1,7,10,22A,23A,24A,34,35A.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$2492** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$3392** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$2492**
  - **\$1032** for **12** independent claims over **3**.
  - **\$1170** for **65** total claims over **20**.
  - **\$290** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*Y. G.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

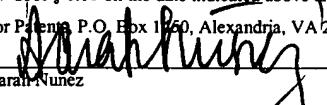


File No.: 066821-0058

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Reed, John C., et al.  
Appl. No. : 10/748,128  
Filed : December 24, 2003  
Title : METHODS AND COMPOSITIONS FOR  
DREPRESSES OF IAP-INHIBITED  
CAPASE  
  
Grp./A.U. : 1646  
Examiner: : To Be Assigned

Customer No.: 41552  
Confirmation No.: 1734  
**CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)**  
"Express Mail" Mailing Label Number EV 494141867 US  
I hereby certify that this paper or fee is being deposited with the United  
States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR § 1.10 on the date indicated above and is addressed to Commissioner  
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Oct 22, 2004.  
  
Sarah Nunez

**RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Parts of Application dated April 13, 2004, submitted herewith are the following documents for filing in the above-referenced application:

1. Copy of Notice
2. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
3. Statement Under 37 C.F.R. 3.73(b) with copy of Assignment for The Burnham Institute
4. Statement Under 37 C.F.R. 3.73(b) with copy of Assignment for Torrey Pines Institute for Molecular Studies
5. Power of Attorney for Patent Application by Assignee for The Burnham Institute  
Power of Attorney for Patent Application by Assignee for Torrey Pines Institute for Molecular Studies
6. Two (2) Small Entity Statements (one for Burnham and one for Torrey Pines)

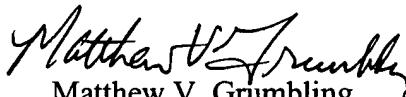
7. 39 pages of replacement drawings for Figs. 1, 7, 10, 22A, 23A, 24A, 34, 35A and  
39
8. Statement Under 37 C.F.R. § 1.821(f) and (g)
9. Paper copy of sequence listing pages 1 to 7
10. Computer Readable Form of sequence listing
11. Statutory Basic filing fee of \$395.00
12. Late Filing Fee Surcharge of \$65.00
13. Additional Claims fee \$1263.00
14. Petition for Extension of Time of \$1040.00

Please charge Deposit Account No. 502624 in the amount of \$2,763.00. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

  
Matthew V. Grumblng  
Registration No. 44,427

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**Date: October 22, 2004**